

City of Round Rock  
Regular City Council Meeting  
January 8, 2009

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The Round Rock City Council met in Regular Session on Thursday, January 8, 2009, in the City Council Chamber, 221 E. Main Street.

CALL SESSION TO ORDER – 7:00 P.M.

Mayor McGraw called the meeting to order at 7:02 p.m.

ROLL CALL: Those members present were Mayor Alan McGraw, Mayor Pro-Tem Joe Clifford, Councilmember Rufus Honeycutt, Councilmember George White, Councilmember Carlos T. Salinas, Councilmember Scott Rhode and Councilmember Kris Whitfield. Also present were City Manager Jim Nuse, Assistant Manager David Kautz, Assistant City Manager Cindy Demers, and City Attorney Steve Sheets.

PLEDGE OF ALLEGIANCE:

Mayor McGraw led the following Pledges of Allegiance:

9A. United States Flag

9B. Texas State Flag

CITIZEN COMMUNICATION

Members of the 1<sup>st</sup> Lego League Robotics (2284 Fernspring Drive) team spoke to the Mayor and Council regarding global warming and the Climate Protection Act.

David and Victoria Smithers, 2710 Nova Park Court, Rockwall, Texas spoke to the Council regarding the Round Rock Police Department and their displeasure with the police surrounding an accident and arrest that Mr. Smithers was involved in.

Manouch with Ace Taxi, spoke to the Council regarding Yellow Cab and the City of Austin.

APPROVAL OF MINUTES:

5A. Consider approval of the City Council minutes for December 18, 2008.

MOTION: Councilmember Rhode moved to approve the minutes for December 18, 2008. Councilmember Honeycutt seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Councilmember White
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Whitfield
		Mayor Pro-Tem Clifford
		Mayor McGraw

Nays: None  
ACTION: The motion carried unanimously.

PRESENTATIONS:

6A1. Consider a presentation regarding the City’s Friendly Rock Utility Assistance Program. Assistant City Manager Cindy Demers made the staff presentation and updated the Council on the City’s Friendly Rock Utility Assistance program since the optional \$1.00 donation was added to the bill.

ORDINANCES:

7A1. Consider an ordinance amending Section 4.01 of the Human Resources Policies and Procedures Manual concerning the Group Insurance Plan relating to Active Employees and Retiree Eligibility. (First Reading) Teresa Bledsoe, Human Resources Director made the staff presentation for items 7A1, 8C1, 8C2, 8C3, and 8C4 all at once.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 4.01 OF THE HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL, CONCERNING THE GROUP INSURANCE PLAN RELATING TO ACTIVE EMPLOYEES AND RETIREE ELIGIBILITY; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

MOTION: Councilmember Rhode moved to adopt the ordinance. Councilmember Whitfield seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford  
Mayor McGraw

Nays: None  
ACTION: The motion carried unanimously.

MOTION: Mayor Pro-Tem Clifford moved to dispense with the second reading of the ordinance with the unanimous consent of all the Councilmembers present and to adopt the ordinance. Councilmember Salinas seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford

Mayor McGraw  
Nays: None

ACTION: The motion carried unanimously.

RESOLUTIONS:

The following items were considered out of order of the regular meeting agenda.

8C1. Consider a resolution authorizing the Mayor to execute the Wal-Mart Stores, Inc., WMS Division Agreement to Provide Services: Traditional Co-Pay Plan. Teresa Bledsoe made the staff presentation for this item earlier in the meeting during item 7A1.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain professional services regarding pharmaceutical benefits for eligible individuals, and

WHEREAS, Wal-Mart Stores, Inc., WMS Division ("WMS") has submitted an Agreement to provide said services, and

WHEREAS, the City Council desires to enter into said agreement with WMS, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an agreement entitled "Wal-Mart Stores, Inc., WMS Division Agreement to Provide Services: Traditional Copay Plan," along with Attachment 1 entitled "HIPAA Business Associate Addendum" and Attachment 2 entitled "Client Benefit Plan Design (BPD) Application for Prescription Program Services", a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 8th day of January, 2009.

MOTION: Councilmember Rhode moved to approve the resolution. Mayor Pro-Tem Clifford seconded the motion.

VOTE: Ayes: Councilmember Honeycutt  
Councilmember White  
Councilmember Salinas  
Councilmember Rhode  
Councilmember Whitfield  
Mayor Pro-Tem Clifford  
Mayor McGraw  
Nays: None

ACTION: The motion carried unanimously.

8C2. Consider a resolution authorizing the Mayor to execute the Extend Retiree Program Agreement with Extend Health, Inc. Teresa Bledsoe made the staff presentation for this item earlier in the meeting during item 7A1.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock desires to retain professional services to provide Medicare supplemental health benefits coverage for eligible individuals, and

WHEREAS, Extend Health Inc. has submitted a Retiree Program Agreement to provide eligible individuals access to the program’s retiree benefit plans, and

WHEREAS, the City Council desires to enter into said agreement with Extend Health Inc.,  
Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an Extend Retiree Program Agreement with Extend Health Inc., a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended

RESOLVED this 8th day of January, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Rhode seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

8C3. Consider a resolution authorizing the Mayor to execute an Amendment to the Plan Document of the City of Round Rock with Aetna Life Insurance Company. Teresa Bledsoe made the staff presentation for this item earlier in the meeting during item 7A1.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock previously entered into a Health Plan Document (“Plan Document”) with Aetna to provide City employees with health care benefits, and

WHEREAS, Aetna has submitted an Amendment to the Plan Document, and

WHEREAS, the City Council desires to enter into said Amendment to the Plan Document with Aetna, Now Therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

That the Mayor is hereby authorized and directed to execute on behalf of the City the attached Amendment to the Plan Document with Aetna, a copy of same being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of January, 2009.

**MOTION:** Mayor Pro-Tem Clifford moved to approve the resolution. Councilmember Salinas seconded the motion.

**VOTE:**

<b>Ayes:</b>	Councilmember Honeycutt
	Councilmember White
	Councilmember Salinas
	Councilmember Rhode
	Councilmember Whitfield
	Mayor Pro-Tem Clifford
	Mayor McGraw
<b>Nays:</b>	None

**ACTION:** The motion carried unanimously.

8C4. Consider a resolution authorizing the Mayor to execute a letter from Aetna dated December 12, 2008 indicating acceptance of Aetna's health benefits services for the renewal of the 2009 policy period. Teresa Bledsoe made the staff presentation for this item earlier in the meeting during item 7A1.

RESOLUTION NO.

WHEREAS, the City of Round Rock previously entered into a Health Plan Document with Aetna to provide City employees with health care benefits, and

WHEREAS, Aetna has submitted a letter dated December 12, 2008 regarding renewal of the 2009 policy, and

WHEREAS, the City Council desires to approve said letter, Now Therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

That the Mayor is hereby authorized and directed to execute on behalf of the City the attached letter from Aetna dated December 12, 2008 indicating acceptance of Aetna's health benefits services for the renewal of the 2009 policy period, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of January, 2009.

**MOTION:** Councilmember Honeycutt moved to approve the resolution. Councilmember Rhode seconded the motion.

**VOTE:**

<b>Ayes:</b>	Councilmember Honeycutt
	Councilmember White
	Councilmember Salinas
	Councilmember Rhode
	Councilmember Whitfield
	Mayor Pro-Tem Clifford
	Mayor McGraw
<b>Nays:</b>	None

**ACTION:** The motion carried unanimously.

Mayor McGraw continued with the order of the agenda.

8A1. Consider a resolution authorizing the Mayor to execute Change Order No. 1 to the construction contract with Garney Companies, Inc. for the Raw Water Delivery System – Pipeline Project. Michael Thane, Utilities Director made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has previously entered into a contract (“Contract”) with Garney Companies, Inc. for the Raw Water Delivery System – Pipeline Project, and

WHEREAS, the Council has determined that it is necessary to make changes to the quantity of work to be performed or materials, equipment, or supplies to be provided, and

WHEREAS, it has been determined that it is necessary to change said Contract in accordance with the attached Contract Change Order No. 1, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City, Contract Change Order No. 1 to the Contract with Garney Companies, Inc. for the Raw Water Delivery System – Pipeline Project, a copy of said change order being attached hereto as Exhibit “A” and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of January, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Councilmember Salinas seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
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	Nays:	None
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ACTION: The motion carried unanimously.

8B1. Consider a resolution authorizing the Mayor to execute the Supplemental Contract No. 1 with Page Southerland Page, LLP for the Southwest Downtown District Utility and Street Improvements Phase II project. This item was pulled from the agenda at the request of staff.

8B2. Consider a resolution authorizing the Mayor to execute a Construction Contract with BRH Garver Construction for the Phase 1B Southwest Area Downtown Infrastructure Project. Tom Martin, Transportation Services Director, made the staff presentation.

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City of Round Rock has duly advertised for bids for the Phase 1B Southwest Area Downtown Infrastructure Project, and

WHEREAS, BRH Garver Construction has submitted the lowest responsible bid, and

WHEREAS, the City Council wishes to accept the bid of BRH Garver Construction, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City a contract with BRH Garver Construction for the Phase 1B Southwest Area Downtown Infrastructure Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 8th day of January, 2009.

MOTION: Councilmember Honeycutt moved to approve the resolution. Mayor Pro-Tem

Clifford seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt Councilmember White Councilmember Salinas Councilmember Rhode Councilmember Whitfield Mayor Pro-Tem Clifford Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

8C1. Consider a resolution authorizing the Mayor to execute the Wal-Mart Stores, Inc., WMS Division Agreement to Provide Services: Traditional Co-Pay Plan. This item was considered earlier in the meeting out of the order of the original agenda.

8C2. Consider a resolution authorizing the Mayor to execute the Extend Retiree Program Agreement with Extend Health, Inc. This item was considered earlier in the meeting out of the order of the original agenda.

8C3. Consider a resolution authorizing the Mayor to execute an Amendment to the Plan Document of the City of Round Rock with Aetna Life Insurance Company. This item was considered earlier in the meeting out of the order of the original agenda.

8C4. Consider a resolution authorizing the Mayor to execute a letter from Aetna dated December 12, 2008 indicating acceptance of Aetna's health benefits services for the

Mayor Pro-Tem Clifford appointed Melissa Wheeler.



Councilmember Honeycutt appointed Robert Pearson.

Councilmember White appointed Felix Munson.

Councilmember Salinas appointed Jaime Alaniz.

Councilmember Rhode appointed Anthony Incristi.

Councilmember Whitfield appointed Brent Campbell.

MOTION: Councilmember Whitfield moved to accept the appointments stated.

Councilmember Whitfield seconded the motion.

<u>VOTE:</u>	Ayes:	Councilmember Honeycutt
		Councilmember White
		Councilmember Salinas
		Councilmember Rhode
		Councilmember Whitfield
		Mayor Pro-Tem Clifford
		Mayor McGraw
	Nays:	None

ACTION: The motion carried unanimously.

9B1. Consider appointing 1 person to the Historic Preservation Commission.

Results from a poll of the Council follow:

Natalie Bogue	3 votes
Mario Carlin	3 votes
Doug LaFoy	1 votes
Gunnar Ristroph	0 votes

The first poll of the council resulted in a tie between Natalie Bogue and Mario Carlin. A

second poll of the Council was conducted. The results of the poll follow:

Natalie Bogue	5 votes	APPOINTED
Mario Carlin	2 votes	

#### ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Sara L. White, City Secretary